

### **REMARKS**

This amendment is responsive to the Office Action of November 30, 2007. Applicant's representative notes with appreciation the Examiner's allowance of claims 7, 12, 13, and 15-18. Independent claim 1 has been amended herein to set forth aspects the Examiner has indicated are allowable. Claim 6 has been amended in accordance with the Examiner's suggestions to cure a minor informality. Additionally, claims 5 and 14 have been cancelled herein. Reconsideration and allowance of claims 1-4, 6, and 8-12 is respectfully requested.

### **The Office Action**

Claim 6 is objected to for a minor informality. Claim 6 has been amended in accordance with the Examiner's suggestions to cure the informality. Accordingly, withdrawal if this objection is requested.

Claims 5 and 14 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enable requirement.

Claims 1-4, 6 and 8-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sweatt, et al. (U.S. Pat. No. 6,504,943), (hereinafter "Sweatt") in view of Lindberg, et al. (U.S. Pat. No. 5,748,308), (hereinafter "Lindberg").

Claims 7, 12, 13, and 15-18 are allowable over the prior of record.

### **The Present Application**

The present application is directed to an optical analysis system for determining an amplitude of a principal component of an optical signal, the optical analysis system comprising a multivariate optical element (MOE) for weighing the optical signal by a spectral weighing function, and a detector for detecting the weighed optical signal. According to various claimed features, the MOE comprises a reflective component, such as a reflective electro-wetting cell, which can be manipulated to weight the optical signal before detection by a detector for analysis.

### **The References of Record**

The Examiner rejects claims 1-4, 6 and 8-12 under 35 U.S.C. 103(a) as being obvious over Sweatt, et al. (6,504,943) in view of Lindberg, et al. (U.S. Pat. No.

5,748,308). Sweatt relates to programmable multi-spectral filters for spectroscopic measurements and techniques for manipulating the data collected therefrom to identify scanned objects. The filter splits the light collected by an optical telescope into two channels for each of the pixels in a row in a scanned image, one channel to handle the positive elements of a spectral basis filter and one for the negative elements of the spectral basis filter. Sweatt fails to describe each and every aspect set forth in the subject claims.

Lindberg relates to a programmable filter for a correlation spectrometer. The filter is employed for determining a concentration of an optically absorbing compound or biological sample. However, Lindberg fails to overcome the deficiencies of Sweatt with regard to various aspects set forth in applicants' claims.

**The Claims Distinguish Patentably  
Over the References of Record**

Independent claim 1 has been amended herein to set forth of "a multivariate optical element with at least one electro-wetting cell for reflecting the optical signal and thereby weighing the optical signal by a spectral weighing function." As indicated by the Examiner, neither Sweatt nor Lindberg, taken alone or in combination, disclose or render obvious the aspect of a multivariate optical element that comprises at least one electro-wetting cell. In view of such, it is respectfully submitted that independent claim 1, and claims 2-4, 6, and 8-11 dependent therefrom, are now in condition for allowance, and favorable reconsideration of these claims is respectfully requested.

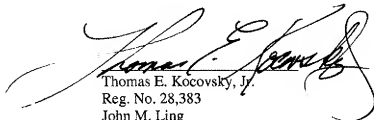
**CONCLUSION**

For the reasons set forth above, it is submitted that claims 1-18 (all claims) distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case(s), he is requested to telephone Thomas E. Kocovsky, Jr. at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP

A handwritten signature in dark ink, appearing to read "Thomas E. Kocovsky, Jr.", is written over a horizontal line. The signature is stylized with a large, sweeping initial 'T' and a long, trailing flourish.

Thomas E. Kocovsky, Jr.  
Reg. No. 28,383  
John M. Ling  
Reg. No. 51,216  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2579  
(216) 861-5582